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Brookings County Planning & Zoning Commission
January 7th, 2020 – 7:30 PM
Brookings City & County Government Center
310 Chambers

Chair Elenkiwich called the meeting to order at 7:28 PM. Commission members present were: Chair Elenkiwich, Mike Bartley, Michael McHugh, Tom Davis, Darrell Nelson, Darrel Kleinjan, Chad Ford, Randy Jensen, and alternate board member Roger Erickson. Absent were: Terrell Spence and alternate board member Spencar Diedrich.

Chair Elenkiwich read **agenda item # 2: Approval of Minutes from December 2, 2019 Brookings City Planning Commission and Brookings County Planning & Zoning Commission Joint Meeting and the December 2, 2019 Brookings County Planning & Zoning Commission Regular Meeting.** Ford moved to approve the Joint City/County Meeting minutes. Davis second. Chair Elenkiwich called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Elenkiwich read **agenda item # 3: Items to be added to agenda by commission members or staff.** None added.

Chair Elenkiwich read **agenda item # 4: Invitation for citizen to schedule time on the commission agenda for an item not listed. Time limited to 5 minutes per person to address the board.** No one scheduled time to address the board.

Chair Elenkiwich read **agenda item # 5: Disclosure of Conflicts of Interest: Relationship(s) to Applicant; or Ex Parte Communication.** Board member Tom Davis noted conflict of interest for 2020cu001 & 2020cu002 and he would be recusing himself. Chair Elenkiwich noted Davis would be recused from agenda items # 9 & 10.

Chair Elenkiwich read **agenda item # 6: Approval of Agenda.** Nelson moved to approve the agenda. McHugh second.

Chair Elenkiwich read **agenda item # 7: Election of Officers for 2020.** Chair Elenkiwich turned the meeting over to Mr. Haugen for the election of chairperson. Mr. Haugen opened up for nominations for chairperson. Davis nominated Kimberly Elenkiwich. Mr. Haugen asked three times if there were any other nominations for chairperson. Kleinjan moved that nominations cease and

case a unanimous ballot for Kimberly Elenkiwich as chairperson for 2020. Bartley second.

Mr. Haugen turned the meeting over to Chair Elenkiwich. Chair Elenkiwich opened up for nominations for vice chairperson. Tom Davis nominated, Michael McHugh for vice chairperson. Chair Elenkiwich asked three times if there were any other nominations for vice chairperson. Bartley moved that nominations cease and to cast a unanimous ballot for Michael McHugh for vice chairperson. Davis second. Chair Elenkiwich called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Elenkiwich stated, "We are now acting as the Brookings County Planning and Zoning Commission" read the opening statement and **agenda item # 8: Consideration of Plats: a. 2020plat001: "Plat of Lot 11A in Cedar Pointe Addition in Govt. Lot 3 of the NW1/4 of Section 28, T109N, R50W of the 5th P.M., Brookings County, South Dakota."** McHugh moved to approve the plat. Nelson second. Chair Elenkiwich opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Keith Rounds is vacating Lot 11 in Cedar Point Addition and platting off Lot 11A for a property line adjustment." He noted: 1) Lot was located on the northwest side of Lake Campbell and had originally been approved by the board on October 1, 2019. 2) The lot would be reduced from 44,529 square feet to 36,041 square feet. 3) The property line adjustment would give the adjoining un-platted future lot more square feet. 4) Lot 11A exceeded the 20,000 sq. feet requirement of Lake-Park and meets the Brookings County Subdivision Ordinance. Mr. Haugen used visuals to describe the plat. Chair Elenkiwich opened up for questions from the board, hearing none. She opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none she closed the public hearing. Chair Elenkiwich asked the board for questions or comments, hearing none she called for a roll-call vote: Bartley-aye, McHugh-aye, Davis-aye, Nelson-aye, Kleinjan-aye, Ford-aye, Erickson-aye, Jensen-aye, Elenkiwich-aye. 9-ayes, 0-nays, motion carried.

Tom Davis recused himself from the board.

Chair Elenkiwich stated, "We are now acting as the Brookings County Board of Adjustment" read **agenda item # 9: 2020cu001: Thomas A Davis has made an application, 2020cu001, to the Brookings County Board of Adjustment for a conditional use. Article 11: Section 11.01: "A" Agricultural District, Conditional Use # 4: "Sand, gravel or quarry operation, mineral exploration and extraction". The property is described as: "E1/2 NE1/4, SW1/4 NE1/4, SE1/4 NW1/4 of Section 4, T110N, R48W (Alton Township)"**. Bartley moved to approve the conditional use request. Nelson second. Chair Elenkiwich opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Tom Davis has applied for a conditional use #4 to mine gravel. Tom Sterzinger from Taunton, Minnesota, will be the mining and crushing operator." He noted: 1) the operator's site plan, business plan, hours of operation, and reclamation plan. 2) Road access would be to the west of proposed operation, across pasture land the applicant's family owns (to 480th Ave, Alton Township gravel road). 3) Berm would be constructed along the natural water way to keep the soil and sediment from entering the water way that is located in the very northwest corner of the proposed

mining area. 4) Gravel layer to be mined is approximately 20 feet in depth and mining will be done above the water table. 5) East Dakota Water Development District had reviewed the application and documents that were provided by the applicant and the mine operator. 6) Applicant also applied for a conditional use 2020cu002 - #5A: Rock Crusher to be heard by board. 7) Public notices were published in the Brookings Register on December 24 and 31, 2019 and in the White Tri-City Star and Elkton Record on December 19, 2019 and January 2, 2020. 8) Letters were sent to the adjoining landowners and the Alton and Sherman Township Chairman and Clerk. Mr. Haugen then presented a visual presentation of the site. Chair Elenkiwich asked Mr. Davis to come forward and address the board. Chair Elenkiwich opened up for questions from the board. McHugh wanted road provisions and dust control to be discussed. Chair Elenkiwich asked for further comments from the board, hearing none. The applicant identified himself as Tom Davis and stated, "The permit would be in 3 names with the deed holders of the land being Thomas A. Davis, Joe and Tina Davis and So Dak Holdings LLC (Philip Davis-brother)." Mr. Davis asked for the site map to be displayed and he identified: area to be mined, noted placement of a new fence (50-100 feet from the creek area), proposed earthen berm location. He further noted: 1) at the west end a fence and road would be built to 480th Avenue on land that was owned by his mother. 2) He was going to negotiate with adjoining property owner Rolland Colony and meet setbacks for road and distance from their fence. 3) 480th Avenue would be used as way out. 4) Agreement with Sherman Township to cut road hill from 7% to a 4% grade. 5) Have 80% of main contractors hauling from pit would have to go north on 480th Avenue to 207th Street (1.5 miles), other 20% would go South on 480th Avenue to 209th Street or another street. 6) Estimated 7,000 trucks – 175 loads going south in a month or 8.5 loads a day. 7) Dust control and speed limit of 35 miles an hour would be posted for all trucks and additional stop signs would be located at intersections for safety. 8) Social media would be used to announce days when haul traffic would be heavier than normal. 9) Possibility of a lighted sign instead of only truck hauling road sign. 10) He would encourage those in area to contact him when events would be in the area so that hauling could be adjusted. Proposed pit's operator Tom Sterzinger identified himself and noted the hauling was probably the main concern and they would be a diligent as possible to keep the road up to shape and if road got to soft they would stop hauling. He added he had talked with Brian from the Highway department and they were excited of another possibility of having a pit in that area. Another pit and gravel source was needed. Chair Elenkiwich opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, asking for proponents first. Seeing no proponents, she asked for opponents to come forward. Opponents to the request were: Mary Bowne, Dale Bowne, Brett Knutson, Paul Johnson, Erik Wise, Dan Luze, Lawrence Wipf, Christina Westley, John Wipf, and Charleen Bowne. Concerns, issues and solutions voiced were: 1) Concern for the structural integrity of the road and possible damage to it due to heavy truck traffic 2) Safety and health concerns for people and animals due to heavy truck traffic, dust, pollutants and noise. 3) Issue of who will police the road usage of 80/20. 4) Possible solution, instead of using 480th, build road on applicants land to the east

onto blacktop County Road 27 (482nd Ave). 5) Concern for cost to maintain the roads of the proposed haul routes. Hearing no other opponents Chair Elenkiwich closed the public hearing. She identified concerns and questions from the public being: road concerns, what mineral exploration was, contact issue (who to contact), could the applicant build and have his own private road, who would monitor 80/20 usage and speed limit (35 mph). She then asked for additional comments from the board. Board members McHugh and Bartley wanted items discussed or clarified regarding: 1) Establishing a designated route 2) Road agreements 3) extra maintenance due to excess moisture and traffic 4) township maintenance added expense 5) enforcement issues 6) moving entrance to the East and estimate of costs. Mr. Davis addressed items and noted that building a road to the East would be too expensive and gullies to the east would need to be crossed adding to the expense. He stated, "We are going to be giving up a whole year's royalty basically to fix the road going north on 480th Avenue, the hill, and road to the corner (207th St and 480th Av)." Mr. Davis noted he had a verbal agreement with County Highway to use the county roads in either direction. Board member Bartley noted the agreement with the county was hearsay, no documentation was in hand, not in writing and asked Mr. Davis for estimated cost of building a road to the east. Mr. Davis estimated cost to be \$250,000 - \$350,000. Board member Bartley stated, "I think you are light if you are going to have to put in culverts and bridges or anything like that but even at that expense I don't think that is exorbitant. The townships will have a higher expense over a 30 year period to maintain those roads for that type of traffic. That's the part that concerns me the most is putting a burden on the townships at this particular time it's difficult for me to do that simply because of the soft roads and I don't believe that will go away in the near future." Board member Bartley noted there were many unanswered questions to the hardship, he was concerned as to the cost to townships over 30 years, and saw a need of road haul agreements in place. Chair Elenkiwich stated, "We can table to the next meeting and maybe we do want to see that before we do any type of commitment. Option is for time, maybe conditional for 5 or 10 years or if we want to talk a little bit more on the roads. That might be something that we need to do. It is definitely like it was stated, gravel is needed and the argument not in my backyard is not necessarily valid and so a lot of this dust, and stuff like that is going to happen whether it be where it is or elsewhere, that is not what we are talking about, it is more just making sure that there is not an added expense, that is really where we are going right now to the county and the townships is obviously a big concern of ours." Chair Elenkiwich asked the board if they wanted more research on things and questioned enforcement of 35 mph speed limit. Mr. Haugen noted the township would probably have to set the speed limit and the sheriff's office would have to enforce. Board members Nelson and Kleinjan noted that roads and usage were a concern the board did not take lightly and applicants were encouraged to use county roads and covered roads. Chair Elenkiwich noted the board still had a lot of questions and a condition may be that it be onto a black top road. Mr. Davis stated, "I am willing to have it tabled." Board member Bartley made a motion to table item until the next meeting (February), second by McHugh. Chair Elenkiwich called for a voice vote. 8-ayes and 0-nays, motion carried.

Chair Elenkiwich read **agenda item # 10: 2020cu002: Thomas A Davis has made an application, 2020cu002, to the Brookings County Board of Adjustment for a conditional use. Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 5A: Rock Crushers. The property is described as: "E1/2 NE1/4, SW1/4 NE1/4, SE1/4 NW1/4 of Section 4, T110N, R48W (Alton Township)".** McHugh moved to approve the conditional use request. Kleinjan second. Chair Elenkiwich called for a voice vote. 8-ayes and 0-nays, motion carried. Motion by Bartley, second by Ford to table agenda item #10 to the next (February) meeting. Chair Elenkiwich called for a voice vote. 8-ayes and 0-nays, motion carried.

Tom Davis resumed his seat on the board.

Chair Elenkiwich read **agenda item # 11: 2020cu003: Jesse Bermel for Coyote Ridge Wind, LLC has made an application, 2020cu003, to the Brookings County Board of Adjustment for a conditional use. Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 6: Contractors' shops and yards. The property is described as: "NE1/4 of Section 15, T111N, R48W (Sherman Township)".** Nelson moved to approve the conditional use request. Davis second. Chair Elenkiwich opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Coyote Ridge LLC by Jesse Bermel has applied for an agricultural district conditional use # 6: Contractor's shop and yard. The contractor's yard will be temporary with an anticipated ending date of August 31, 2020. He noted: 1) Contractor's yard was currently in place under 2018cu021 that had been approved by the board September 4, 2018 but had ended on November 1, 2019 for the Coyote Ridge Wind project. 2) Due to wet weather project had been delayed and last phase was to be completed and site cleared by August 31, 2020. 3) 10 acres site was located in the northeast corner of the quarter along 482nd Ave (Brookings Co gravel road #27) on the east side and 204th street on the north side. 4) The laydown yard was to be used for construction trailers, wind tower components and supplies used during the construction phase of the Coyote Ridge Wind Towers. 5) Applicant had visited with the township and county highway department regarding a road agreement. 6) Public notices were published in the Brookings Register on December 24 and 31, 2019 and in the White Tri-City Star on December 19, 2019 and January 2, 2020. 7) Letters had been sent to the land owners, adjoining landowner's, Sherman Township Chairman and Clerk and the Brookings County Highway Department. Mr. Haugen then presented a visual presentation of the site. Chair Elenkiwich asked the applicant to come forward and address the board. Kobey Stiles, Project Manager from Wanzek Construction, Inc. came forward and noted he was representing the applicant and stated, "This a request for the extension of an existing permit." He noted that excessive snow, rain, wind events and a thunderstorm that came through on the 22nd of October caused delays and an extension was need to maintain the yard at the location. In the spring work would resume with an expected end date of July or August 2020." Chair Elenkiwich opened up for questions from the board. Board members Davis and Nelson noted no complaints had been received and

did not see any issue with allowing the permit and project to continue. Chair Elenkiwich asked for further comments from the board, hearing none she opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none. Chair Elenkiwich asked for additional comments from the board. Board member Ford brought up the end date and the board decided to put an expiration/end date of Dec. 31, 2020 for the conditional use permit. Hearing no more discussion by the board Chair Elenkiwich asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Elenkiwich called for a roll-call vote: McHugh-aye, Davis-aye, Nelson-aye, Kleinjan-aye, Ford-aye, Erickson-aye, Jensen-aye, Bartley-aye, Elenkiwich-aye. 9-ayes, 0-nays, motion carried.

Chair Elenkiwich read **agenda item # 12: 2020cu004: Wanzek Construction, Inc. by Tanya Lance has made an application, 2020cu004, to the Brookings County Board of Adjustment for a conditional use. Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 6: Contractors' shops and yards. The property is described as: "NW1/4 Exc H-1 & Exc S338' of W850'; N486' of S824' of W305'; & N236' of S574' of E74' of W379' Section 14, T111N, R49W (Afton Township)".** Davis moved to approve the conditional use request. Ford second. Chair Elenkiwich opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "2020cu004 is again an extension for and existing laydown yard by Wanzek Construction Inc." He noted: 1) laydown yard would be used for storage of wind tower bases, turbines, blades, components, supplies and equipment storage. 2) The laydown yard would be used for wind turbines being constructed in Deuel County as it is a centrally located area for them and the approach and area are already established. 3) Applying for an extension of their existing permit - The applicant has previously used this site for Conditional Use 2019cu003, approved on March 7, 2019 for a contractor's yard during the construction of Coyote Ridge Wind LLC, wind farm. 4) Laydown yard would be used during the construction phase of the Tatanka Wind Farm in Deuel County with an anticipated ending date of December 31, 2020. 5) Land use agreements have been extended with the landowner, and SDDOT for driveway extensions. 6) The east driveway has been widened to accommodate long loads is used for entering and existing property off SD Hwy 30. 7) Traffic signs are located on-half mile east and west of the driveway to alert the area traffic. 8) Public notices were published in the Brookings Register on December 24 and 31, 2019 and in the White Tri-City Star on December 19, 2019 and January 2, 2020. 9) Letters were sent to the land owner, adjoining landowner's, South Dakota Department of Transportation (SD DOT) and Afton Township Chairman and Clerk. Mr. Haugen then presented a visual presentation of the site. Chair Elenkiwich asked the applicant to come forward and address the board. Kobey Stiles, Project Manager from Wanzek Construction, Inc. came forward and noted he was representing the applicant and stated, "We have spent a significant amount of money making improvements to this particular site. We are actually storing some construction components through the winter at this site for Coyote Ridge Project and then we will use it as a staging area for components coming in for the Tatanka Wind Project that is a

little north and west of Toronto. We are asking that the board continue to let us use this (site) for the next year as it is a good central location, and has good access. We have already proven that we can enter and exit there with no problems.” Chair Elenkiwich opened up for questions from the board. Board members Nelson and Kleinjan asked: 1) if they were done hauling blades to/from the site. 2) If a one year usage was enough time. Mr. Stiles noted that more blades would be arriving in June and that an expiration date of December 31, 2020 would be fine. Chair Elenkiwich asked for further comments from the board, hearing none she opened up the public hearing portion asking for questions or comments from the audience opponents and proponents. Hearing no proponents Chair Elenkiwich called for opponents. LaVerne Jerred came forward and noted he lived across from the site and had concerns with the traffic being backed up when they (applicant) pull out from the site, the location of the signs on the road and he wanted to let the board know there were problems. Board member Nelson understood the concern with the hill and view in the area but was unsure of how to improve the situation. Board member Davis mentioned there was organization called South Dakota LTAP which was located at South Dakota State University that may be able to help with the situations Mr. Jerred had issue with. Chair Elenkiwich asked for additional comments from the board, hearing none she asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Elenkiwich called for a roll-call vote: Davis-aye, Nelson-nay, Kleinjan-aye, Ford-aye, Erickson-aye, Jensen-aye, Bartley-aye, McHugh-aye, Elenkiwich-aye. 8-ayes, 1-nay, motion carried.

Chair Elenkiwich read **agenda item # 13: 2020cu005: Daryl & Joan Nelson have made an application, 2020cu005, to the Brookings County Board of Adjustment for a conditional use. Article IV District Requirements: Chapter 4.03 “LP” Lake-Park District: Section 4.03.02 Conditional Uses Permit # 6: Accessory buildings with a side-wall greater than fourteen (14) feet or more than 2,000 square feet and used accessory buildings greater than 120 square feet. The property is described as: “Lot 8 Haffner Knoll Addition in Govt Lot 3 of Section 22, T112N, R47W (Lake Hendricks Township)”**. Kleinjan moved to approve the conditional use request. Jensen second. Chair Elenkiwich opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “Daryl and Joan Nelson have applied for Lake-Park District conditional use to build an accessory building 40 feet (wide) x 64 feet (long) with up to 14 feet sidewall (2,560 sq. ft.) to be used for storage.” He noted: 1) the proposed building would be located on a non-lake front lot and would meet all setback requirements. 2) Lot was located across the road from their lake cabin at 710 S Lake Hendricks Dr. 3) Lot measured 100 feet wide x 242 feet long and the lot was platted in November 1978. 4) Public notices were published in the Brookings Register on December 24 and 31, 2019 and in the Lake Hendricks Pioneer on December 25, 2019 and January 1, 2020. 5) Letters were sent to the adjoining landowners, Lake Hendricks Township Chairman and Clerk and the Brookings County Highway Department. Mr. Haugen then presented a visual presentation of the site. Chair Elenkiwich asked the applicant to come forward and address the board. The applicant identified himself as Daryl

Nelson and stated, "We bought lake property about six years ago and we want to put up a building now for cold storage for the pontoon and are leaning toward 14 foot sidewalls. We will follow rules that we need to for placement." Chair Elenkiwich opened up for questions from the board. Board member Davis asked Mr. Haugen what the rules were for setbacks. Mr. Haugen stated, "The side setbacks are 8 feet and the front and rear setbacks we just changed this spring along with the building size and are 25 feet for front and rear. He has more than enough room to meet the setbacks." Chair Elenkiwich asked if just a pontoon would be stored in the building, if the residence was his full time address, if a water/hydrant would be wanted, and if similar to building sizes in the areas. Mr. Nelson noted that the property would be used for pontoon and other lake toy storage, he would like to have a hydrant on the outside of the building, and the building would be similar in sizes to the other accessory buildings in the area. Chair Elenkiwich asked for further comments from the board, hearing none she opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none she closed the public hearing portion. She then asked for additional comments from the board, hearing none she asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Elenkiwich called for a roll-call vote: Nelson-aye, Kleinjan-aye, Ford-aye, Erickson-aye, Jensen-aye, Bartley-aye, McHugh-aye, Davis-aye, Elenkiwich-aye. 9-ayes, 0-nays, motion carried.

Chair Elenkiwich read **agenda item # 14: Department Reports**. Chair Elenkiwich asked Mr. Hill for his Directors report. Mr. Hill announced FEMA had been in the area and 2 declarations (March-April and September events) had been declared and county and public assistance had been offered. Over \$400,000 in public assistance through FEMA had been granted. Mr. Haugen told the board work on updating the Ordinance would continue and to be prepared for a busy February meeting. Mr. Hill and the board discussed having written road agreements in place and turned in with the applications in the future, thus preventing any issues if road agreements aren't granted to the applicant by the road authorities.

Chair Elenkiwich asked for a motion to adjourn. McHugh made a motion to adjourn the meeting, Jensen second. Chair Elenkiwich called for a voice vote. 9-ayes, 0-nays.

Chair Elenkiwich adjourned the meeting at 9:44 PM.

Rae Lynn Maher
Brookings County
Development Department.